IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 18TH JUNE 2007 / 28TH JYAISHTA 1929

Crl.Rev.Pet.No. 840 of 1998()

CRA.57/1995 of SESSIONS COURT, KOZHIKOE
CC.99/1993 of JUDL. MAGISTRATE OF FIRST CLASS-I, KOZHIKODE

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REVN. PETITIONER: APPELLANT/ACCUSED

MUHAMED KOYA
S/O.SHAFI
NAGARAM AMSOM DESOM
KOZHIKODE

BY ADV. SRI.P.V.KUNHIKRISHNAN

RESPONDENTS: RESPONDENT/COMPLAINANT

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR
HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.AMJAD ALI

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 18/06/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

CRL.R.P.NO.840/1998

ORDER ON CRL.M.P.NO.4250/1998 IN CRL.R.P.NO.840/1998

DISMISSED

18.6.2007 SD/- K.R.UDAYABHANU, JUDGE

/TRUE COPY/

P.A. TO JUDGE

K.R.UDAYABHANU, J

Crl.R.P.No.840 of 1998

Dated this the 18th day of June, 2007

O R D E R

The revision petitioner stands convicted for the offence under Section 471 IPC and sentenced to undergo R.I. for six months.

2. The prosecution case is that on 24.11.1992, the accused stood as surety to accused Nos. 2 and 3 in Crime No.223/1992 of Kasaba Police Station in the court of Judicial First Class Magistrate Court-III, Kozhikode and filed an affidavit along with a forged land tax receipt. It was detected by the Magistrate. The evidence adduced in the matter consisted the testimony PWs' 1 to 5 and Exts. P1 to P6.

3. The counsel for the revision petitioner has only sought for modification of the sentence pointing out that the offence is punishable with imprisonment or fine and also that the incident has taken place in the year 1992 and about 15 years have elapsed since the commencement of the proceedings and that the accused/revision petitioner has been facing criminal proceedings so far. In the circumstances, the sentence is liable

to be modified. The sentence is modified to pay a fine of Rs.5,000-/ and in default, to undergo simple imprisonment for three months.

The criminal revision petition is disposed of as above.

K.R.UDAYABHANU,
JUDGE

csl